UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 19, ~~2010~~ 2011

George Meckfessel
Bureau of Land Management
Needles Field Office
1303 South U.S. Highway 95
Needles, CA 92363-4228

Subject: Final Environmental Impact Statement (FEIS) / Environmental Impact Report, Southern California Edison's Eldorado-Ivanpah Transmission Line Project, San Bernardino County California and Clark County Nevada, November 2010 (CEQ# 20100471)

Dear Mr. Meckfessel:

The U.S. Environmental Protection Agency (EPA) has reviewed the above project pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our National Environmental Policy Act (NEPA) review authority under Section 309 of the Clean Air Act. These comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines (Guidelines) promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA). We are providing these comments by January 19, 2010, consistent with the discussion between Tom Hurshman, of the Bureau of Land Management, and Tom Kelly, of my staff, on January 18. We appreciate the additional time to conduct our review.

EPA submitted comments on the Draft Environmental Impact Statement (DEIS) on June 21, 2010. We rated the DEIS Environmental Concerns – Insufficient Information (EC-2) due to our concerns regarding impacts to water resources, impacts to biological resources, and alternatives. We appreciate the response to our comments, and thank the BLM for including measures to control sulfur hexafluoride emissions, more accurate mapping of intermittent streams and active alluvial fans, and ensuring that biologic material brought on-site will be weed free. We are also pleased that the FEIS includes information from recent surveys and revised mitigation measures, in response to comments from the U.S. Fish and Wildlife Service and their state counterparts. EPA continues to support the project purpose to interconnect and deliver solar energy expected to be generated in the Ivanpah Valley.

As we emphasized in our January 7, 2011 letter to BLM's State Directors for California, Nevada, and Arizona regarding lessons learned through our review of renewable energy projects, "key environmental analysis (e.g. estimation of state jurisdictional waters and waters of the U.S. . . .) should be completed as early as possible during the application

and due diligence process to determine the project's viability and to avoid potential project delays later in the process." While the FEIS includes an estimate of impacts to jurisdictional waters of the US, the Corps has yet to make an official jurisdictional delineation, and the concerns regarding impacts to waters of the US that were raised in our June 2010 letter remain. As we stated in that letter, our 404(b)(1) guidelines require an estimate of direct, indirect, and cumulative impacts. The FEIS estimates permanent and temporary impacts. We also note that the FEIS provides conflicting estimates of the permanent impact to waters of the US: 1.699 acres, in Appendix B, Page 20, and Table 2 on pages 21 and 22; and 0.0661 acres, on page 3.4-29. In addition, the FEIS did not estimate impacts for each alternative, even though alternative C was specifically created to avoid Ivanpah Dry Lake, a known water of the US.

We recommend that the ROD specifically mention the likely need for the project to obtain a Clean Water Act Section 404 permit from the Army Corps. We also recommend that all mitigation measures, including specific criteria for successful mitigation, be adopted in the ROD. In addition, mitigation measures should be included as conditions in construction contracts and any other approvals, as appropriate, to minimize adverse environmental impacts to the extent possible. If any mitigation measures in the FEIS are not adopted, the ROD should provide justification for the decision not to adopt them.

We appreciate the opportunity to review this FEIS and look forward to continued coordination with the Corps. When the FEIS is published, please send a copy to the address above (Mail Code: CED-2). If you have any questions, please contact Tom Kelly, the lead reviewer for this project, at (415) 972-3856 or kelly.thomasp@epa.gov, or me at (415) 972-3521.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office